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# SENATE BILL No. 318

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-13-6-10.

**Synopsis:** DNA samples of felons. Requires a person convicted of: (1) a felony; (2) conspiracy to commit a felony; or (3) attempt to commit a felony; to submit a DNA sample to the department of correction or a sheriff.

**Effective:** July 1, 2005.

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**Wyss, Bray**

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January 6, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 318

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 10-13-6-10 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) This section  
3 applies to the following:

4 (1) A person convicted of a felony under IC 35-42 (offenses  
5 against the person) **or** IC 35-43-2-1 (burglary): ~~or IC 35-42-4-6~~  
6 ~~(child solicitation):~~

7 (A) after June 30, 1996, whether or not the person is sentenced  
8 to a term of imprisonment; ~~and or~~

9 (B) before July 1, 1996, if the person is held in jail or prison  
10 on or after July 1, 1996.

11 (2) A person convicted of a criminal law in effect before October  
12 1, 1977, that penalized an act substantially similar to a felony  
13 described in IC 35-42 or IC 35-43-2-1 or that would have been an  
14 included offense of a felony described in IC 35-42 or  
15 IC 35-43-2-1 if the felony had been in effect:

16 (A) after June 30, 1998, whether or not the person is sentenced  
17 to a term of imprisonment; ~~and or~~



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(B) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.

**(3) A person convicted of a felony, conspiracy to commit a felony, or attempt to commit a felony:**

**(A) after June 30, 2005, whether or not the person is sentenced to a term of imprisonment; or**

**(B) before July 1, 2005, if the person is held in jail or prison on or after July 1, 2005.**

(b) A person described in subsection (a) shall provide a DNA sample to the:

(1) department of correction or the designee of the department of correction if the offender is committed to the department of correction; or

(2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation.

A ~~convicted~~ person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

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